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DISTRICT OF ARIZONA
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Khori Francis,

Plaintiff,

vs.

United States Department of Veteran's Affairs; Doug Collins in his official capacity as Secretary of the Department of Veterans Affairs,

Defendant.

Case Number: 25-cv-01009-KML

AMENDED COMPLAINT

(Retaliation in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.)

INTRODUCTION

1. Plaintiff Khori Francis brings this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., seeking redress for unlawful retaliation by the Department of Veterans Affairs (VA) following his protected activity in 2022—an Equal Employment Opportunity (EEO) complaint based on race and color.

2. The 2022 EEO complaint was resolved in Plaintiff's favor through Alternative Dispute Resolution (ADR); however, in the months and years that followed, Plaintiff was subjected to escalating forms of retaliation, including increased scrutiny, disparate disciplinary treatment, targeted investigations, suspension of police authority, and constructive discharge.

3. In 2023, Plaintiff initiated a second EEO complaint based on continued retaliation. Because he was unfamiliar with EEO deadlines and procedures, he did not affirmatively elect a hearing or appeal. As a result, the matter proceeded

to a Final Agency Decision (FAD) by default, without his active participation. The FAD did not substantiate his claims. Due to severe stress, retaliation, and the aggravation of his combat-related PTSD, Plaintiff made the deeply personal decision to not challenge the FAD or seek judicial review. He let the matter close in order to preserve his mental health and stability.

4. In January 2024, the matter was reignited when the Department resumed or escalated its retaliatory actions. Plaintiff subsequently filed a third EEO complaint and, instead of waiting for an agency determination or final agency decision, elected to pursue this civil action directly under the authority provided by 29 C.F.R. § 1614.407.

5. Plaintiff is considered a federal employee for purposes of Title VII of the Civil Rights Act. Pursuant to 42 U.S.C. § 2000e(f) and the Supreme Court's holding in *Robinson v. Shell Oil Co.*, 519 U.S. 337 (1997), the definition of "employee" includes former employees who allege post-employment retaliation. At the time of his third EEO complaint and this civil filing, Plaintiff qualified for such protection under the law.

6. Plaintiff now seeks compensatory damages, reinstatement or front pay, attorneys' fees, and declaratory and injunctive relief to remedy the violations of his federal civil rights.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).

8. Venue is proper in the District of Arizona pursuant to 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices occurred in this judicial district, and Plaintiff was employed by the Department of Veterans Affairs in Phoenix, Arizona, during all times relevant to this action.

FACTUAL BACKGROUND

9. Plaintiff Khori Francis is a former Police Officer for the Phoenix VA Police Department. He served honorably until he was forced to resign in 2023 due to ongoing retaliatory treatment stemming from his protected EEO activity.

10. The promotion delay was originally supposed to take effect in July 2021, yet by December 2021, Francis learned through a supervisor and the Administrative Officer that Chief of Police Tylor Whitt had intentionally failed to process his upgrade, even though he had received the required documentation.

11. In January 2022, Francis filed an EEO complaint after repeatedly being denied a promotion from GS-6 to GS-7 despite similarly situated officers receiving grade increases.

12. An ADR hearing was held on March 19, 2022, resulting in Francis's promotion. The EEO complaint was resolved in his favor.

13. In March 2022, shortly after the resolution, an internal investigation was opened against Francis alleging timecard fraud—initiated by individuals previously implicated in EEO complaints.

14. On November 9, 2022, Lieutenant Joshua Fister accused Francis in writing of acting out of "laziness or carelessness," despite acknowledging his experience and intelligence. The statement carried demeaning and racially charged undertones.

15. In January 2023, Francis was formally notified of the timecard allegations. He was ordered to surrender his badge and credentials, and his federal arrest authority was suspended.

16. The Department attempted to refer his case to the U.S. Attorney's Office for criminal prosecution.

17. This was alarming given the Phoenix VA Police Department's longstanding practice of referring 99.9% of all criminal cases to Maricopa County (state court). The federal referral deviated from this practice.

18. The pattern of disparate treatment mirrored the experience of another minority officer, Mario Ramirez, whose federal ticket (USDCVN) included the mandatory appearance checkbox, contrary to agency policy.

19. After coordinating with the U.S. Attorney's Office throughout 2023, Francis was never formally charged. He experienced no contact with the court system in 2024, and the case appeared to fade.

20. In October 2024, Francis learned that Chief Tylor Whitt was leaving Phoenix VA for a position with VA OS&LE. In January 2025, Francis learned that the U.S. Attorney's Office had inexplicably revived the case.

21. In 2023, Fister was the subject of substantiated findings for both racial and sexual harassment. His continued leadership role undermines the credibility of any investigative action against Francis.

22. Phoenix VA Police leadership has a history of weaponizing the federal court system against employees for administrative issues.

23. Richard Kennedy, the GS-1811 Criminal Investigator assigned to Francis's case, advised VA Police officers in October 2021 to charge under 18 U.S.C. § 113 (2023) on property held under proprietary jurisdiction, disregarding the limits of 18 U.S.C. § 7 (2023).

24. This legal misjudgment contributed to two lawsuits: *McCulley v. United States*, No. 2:22-cv-01940-DWL (D. Ariz.), and *Hart v. Granado*, No. CV-22-02067-PHX-JAT (D. Ariz.).

25. Assigning Kennedy despite his prior jurisdictional errors evidences the retaliatory misuse of authority.

26. Key officials involved in the referral are *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), impaired. These individuals:

- Made false statements during a 2023 ORMDI EEO investigation;
- Refused to answer questions regarding race and color;
- Omitted responses to compelled questions;
- Engaged in repeated legal misjudgments, including misapplication of jurisdiction under 18 U.S.C. §§ 113 and 7.

27. Their participation in the referral process renders the resulting disciplinary process fundamentally compromised.

RELATED CASES

The following matters are related and support Plaintiff's broader allegations of discriminatory enforcement, jurisdictional abuse, and targeted retaliation:

- *Ramirez v. Whitt et al.*, No. 2:25-cv-00941 (D. Ariz. 2025): A civil action asserting violations of the Fifth Amendment and statutory rights under *Kalkines v. United States*, *Garrity v. New Jersey*, and *NLRB v. Weingarten, Inc.* The complaint alleges coerced statements, denial of procedural protections, and retaliatory weaponization of the federal judicial process by Phoenix VA Police leadership in response to a policy violation.

- *Ramirez v. Phoenix Veterans Affairs Police Department*, No. 2:25-cv-00959 (D. Ariz. 2025): Another minority VA Police officer with a case involving numerous failures by management to report harassment, improper treatment by supervisory officials, false statements made during a 2023 EEO proceeding, and a range of legally unsupported, disparate treatment practices that ultimately contributed to Ramirez's termination. The practice reflected discriminatory enforcement consistent with retaliatory patterns faced by Plaintiff.

- *Bennett v. Department of Veterans Affairs, et al.*, No. 2:24-cv-00084 (D. Ariz. 2024), informal citation (EEO matter substantiated October 2023): An African American officer subjected to racial harassment and procedural retaliation for over two years, beginning in 2020 during the national racial unrest and police custody death of George Floyd. His experience—substantiated by a formal finding of racial harassment issued on October 13, 2023, and culminating in a federal settlement on May 15, 2024, with the U.S. Attorney's Office for the District of Arizona representing the Department of Veterans Affairs—confirms a hostile pattern of misconduct and internal misrepresentation involving the same Phoenix VA Police officials.

- *McCulley v. United States*, et al., No. 2:22-cv-01940-DWL (D. Ariz. 2023): Federal civil case arising from an improper federal charge under 18 U.S.C. § 113 on VA property under proprietary jurisdiction. The U.S. Attorney's Office later amended the charge to a regulatory offense under 38 C.F.R. § 1.218(b)(11) (Disorderly Conduct). The matter proceeded to court, and the government ultimately lost the case.

- *Hart v. Granado*, No. CV-22-02067-PHX-JAT (D. Ariz. 2022): Related federal civil suit challenging jurisdictional overreach and improper legal action on VA-controlled property, including violations of Fed. R. Crim. P. 5 (requiring prompt presentment before a magistrate judge following a federal arrest) and allegations of racial harassment against an African American VA employee.

These related cases establish systemic misuse of federal law and reinforce Plaintiff's claims of institutional retaliation, credibility impairment, and denial of equal protection.

CAUSE OF ACTION

(Retaliation in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a))

28. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

29. Title VII prohibits retaliation against an employee who has opposed practices made unlawful or participated in protected EEO activities.

30. Plaintiff engaged in protected activity through his 2022 and 2023 EEO filings and ADR participation.

31. Plaintiff was subjected to materially adverse actions, including:

- Suspension of law enforcement authority;
- Derogatory and disparaging remarks by supervisors with substantiated misconduct;
- Escalated investigations without cause;
- Irregular federal referrals;
- Constructive discharge;

32. A causal link exists between Plaintiff's protected activity and the adverse actions.

33. Defendant's conduct constitutes unlawful retaliation under Title VII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following:

A. Declaratory judgment that Defendant violated Title VII;

B. Reinstatement or front pay in lieu thereof;

C. Order compelling issuance of LEOSA credentials;

D. Compensatory damages for emotional distress, reputational harm, and lost opportunity; E. Back pay and benefits;

F. Punitive damages where allowed by law;

G. Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 2000e-5(k);

H. Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable

RESPECTFULLY SUBMITTED this 4th day of June, 2025.

By: _____
Khori Francis

CERTIFICATE OF SERVICE

I certify that on the 4th day of June 2025, I caused the foregoing to be filed with the United States District Court – District of Arizona – Clerk of the Court